

Exhibit A

10/19/2018

King-Devick Test, Inc., v. NYU Langone Hospitals, et al.

Alan King

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UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK

KING-DEVICK TEST, INC.,
Plaintiff,

V.

Civil No:1:17-cv-09307

NYU LANGONE HOSPITALS, NEW YORK
UNIVERSITY, STEVEN L. GALETTA, and
LAURA J. BALCER,
Defendant.

VIDEOTAPED DEPOSITION
OF

DR. ALAN KING

October 19, 2018

1:47 p.m.

LOCATION: Radisson Hotel Bismarck
Empire Conference Room
605 East Broadway Avenue
Bismarck, North Dakota 58501

REPORTER: KAYLA A. RICHMOND

DIGITAL EVIDENCE GROUP
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<p>1 A. Yes.</p> <p>2 Q. What type of research did you do?</p> <p>3 A. Well, most of the research we did was when Steve</p> <p>4 and I decided to develop the King-Devick Test.</p> <p>5 Q. When did you start that research?</p> <p>6 A. I don't recall.</p> <p>7 Q. Was this research for a class?</p> <p>8 A. It was for our senior research project.</p> <p>9 Q. What's a senior research project?</p> <p>10 A. Everybody who graduates from optometry school</p> <p>11 has to do a doctoral thesis and it's called a senior</p> <p>12 research project. And so Steven and I decided to</p> <p>13 corroborate on this test.</p> <p>14 Q. Is it -- is it something that you have to do</p> <p>15 field research or is it writing a paper?</p> <p>16 A. Both.</p> <p>17 Q. And who decided to work with the other? Did you</p> <p>18 decide to work with Mr. Devick or did he approach you to</p> <p>19 work with him on this research?</p> <p>20 MR. KLUFT: Object to the form. You can</p> <p>21 answer.</p> <p>22 A. I have no idea. I don't really remember. It was</p> <p style="text-align: right;">Page 14</p>	<p>1 functions where your eyes jump from one spot to another.</p> <p>2 Q. So how is that different from the continuous</p> <p>3 pursuit?</p> <p>4 A. Well, you don't use continuous pursuit in</p> <p>5 reading you -- that's -- that's something that you like</p> <p>6 following a baseball. But if you're reading, you're</p> <p>7 using saccadic fixations.</p> <p>8 Q. Where did you first learn about saccadic</p> <p>9 fixations?</p> <p>10 A. In class.</p> <p>11 Q. And what did you learn in class?</p> <p>12 A. There was a test called the Pierce Saccade Test</p> <p>13 that we -- that was being taught at the school.</p> <p>14 Q. What is a saccade?</p> <p>15 A. I just told you. Saccade is going from one spot</p> <p>16 to another.</p> <p>17 Q. So is a saccades the same as a saccadic</p> <p>18 fixation?</p> <p>19 A. Yes.</p> <p>20 Q. Before you started your research project, did</p> <p>21 you research other eye movement exams?</p> <p>22 A. Do not recall.</p> <p style="text-align: right;">Page 16</p>
<p>1 42 years ago.</p> <p>2 Q. Was there a professor that advises you for your</p> <p>3 senior research project?</p> <p>4 A. Yes.</p> <p>5 Q. Who was that professor?</p> <p>6 A. Dr. Darrell Slangy.</p> <p>7 Q. And was he your professor for any other classes?</p> <p>8 A. Yes.</p> <p>9 Q. What classes?</p> <p>10 A. No recollection.</p> <p>11 Q. Did everyone in your class do a senior research</p> <p>12 project in a pair?</p> <p>13 A. No.</p> <p>14 Q. Can you just tell me generally what your</p> <p>15 research, the senior research paper was about?</p> <p>16 A. Detecting reading disabilities by testing</p> <p>17 saccadic functions of the eye.</p> <p>18 Q. What is a saccadic function?</p> <p>19 A. It's the eye movements that you use when you --</p> <p>20 when you go from -- when you're reading a line of paper,</p> <p>21 your eyes go in saccadic fixations, not continual</p> <p>22 pursuits, but they go in saccadic, sporadic saccadic</p> <p style="text-align: right;">Page 15</p>	<p>1 Q. Did you review the literature in that area of</p> <p>2 research?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall what -- what books or papers that</p> <p>5 you reviewed?</p> <p>6 A. I don't recall.</p> <p>7 Q. You mentioned the Pierce Saccade Test, what is</p> <p>8 the Pierce Saccade Test?</p> <p>9 A. It was a -- a paper produced by a professor of</p> <p>10 optometry and not sure where he was that he developed</p> <p>11 the Pierce Saccade Test which he thought tested saccadic</p> <p>12 functions.</p> <p>13 Q. And why do you say he thought?</p> <p>14 A. Because he was wrong.</p> <p>15 Q. Why was he wrong?</p> <p>16 A. He didn't -- how do I go about this explaining</p> <p>17 it. His test was designed so you just go from one point</p> <p>18 to another, it didn't really test the saccadic function.</p> <p>19 It actually tested pursuits more than it did that. So it</p> <p>20 didn't mimic the reading process.</p> <p>21 Q. So to mimic the reading process, would you need</p> <p>22 to be looking at more than two items on a line?</p> <p style="text-align: right;">Page 17</p>

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<p>1 A. Yes.</p> <p>2 Q. Do you recall when you first learned about the</p> <p>3 Pierce Saccade Test?</p> <p>4 A. I don't remember.</p> <p>5 Q. Do you recall if you learned about it in class?</p> <p>6 MR. KLUFT: Objection. Asked and</p> <p>7 answered. You can answer.</p> <p>8 A. I believe it was in class, yes.</p> <p>9 Q. Do you recall who the professor was?</p> <p>10 A. No.</p> <p>11 Q. Were there any similar saccadic tests that you</p> <p>12 studied in class?</p> <p>13 A. Not that I know of.</p> <p>14 Q. Are you familiar with a test called the Vincett</p> <p>15 Test?</p> <p>16 A. No.</p> <p>17 Q. Dr. King, I'm handing you what's marked as</p> <p>18 exhibit two. And this has on the bottom right, a bates</p> <p>19 number. This is just an identifier that shows, you know,</p> <p>20 what number this document is. This is - this document</p> <p>21 has bates number NYU00469222. So just take a look at</p> <p>22 this document and obviously it's -- it's got multiple</p> <p style="text-align: right;">Page 18</p>	<p>1 with a vision test called the Gilbert Test?</p> <p>2 A. No.</p> <p>3 Q. Are you familiar with an optometrist named</p> <p>4 Luther Gilbert?</p> <p>5 A. No.</p> <p>6 Q. When you were working on your research, your</p> <p>7 senior research project with Mr. Devick, were there any</p> <p>8 other tests that involved reading numbers or letters</p> <p>9 that you studied?</p> <p>10 A. No.</p> <p>11 Q. So after you studied the Pierce Saccade Test,</p> <p>12 what did you do next for your research study?</p> <p>13 MR. KLUFT: Object to the form. I think it</p> <p>14 mischaracterizes testimony, but you can answer.</p> <p>15 A. I'm not sure what you're asking.</p> <p>16 Q. Sure. I'll rephrase the question. Well, describe</p> <p>17 for me what the beginning steps were of your senior</p> <p>18 research project with Mr. Devick?</p> <p>19 A. When we looked at the Pierce Saccade Test, we</p> <p>20 decided it didn't really test saccadic functions and it</p> <p>21 didn't mimic the reading process and our whole -- our</p> <p>22 whole basis of research was to try to be able to</p> <p style="text-align: right;">Page 20</p>
<p>1 pages, but I can tell you which -- which pages we're</p> <p>2 going to be focusing on, but just take a look and let me</p> <p>3 know if you've seen this before?</p> <p>4 A. I do not recall seeing this before.</p> <p>5 Q. So I'll represent that this is a photocopy of a</p> <p>6 publicly available book by William K. Vincett. If you</p> <p>7 can turn, please, to the page number at the bottom that</p> <p>8 ends with four six, nine, two, three, seven?</p> <p>9 A. Yeah.</p> <p>10 Q. Take a look at the pages that are marked page 33</p> <p>11 and 34 at the bottom. That's actually the page that you</p> <p>12 were on.</p> <p>13 A. Pardon me?</p> <p>14 MR. KLUFT: And by 33 and 34, just for the</p> <p>15 record, you don't mean the bates numbers, but the</p> <p>16 records of the articles.</p> <p>17 Q. Yeah, no. The number at the center in the</p> <p>18 bottom, so the two pages that you have.</p> <p>19 A. These two?</p> <p>20 Q. Yes. Have you seen these before?</p> <p>21 A. No.</p> <p>22 Q. Okay. You can set that aside. Are you familiar</p> <p style="text-align: right;">Page 19</p>	<p>1 identify reading difficulties in children, so we decided</p> <p>2 to design something that would more accurately test</p> <p>3 reading ability in children rather than what was on the</p> <p>4 Pierce Saccade Test because it didn't predict any -- it</p> <p>5 didn't mimic the reading process at all.</p> <p>6 Q. And what's the -- what is the connection between</p> <p>7 your reading ability and the saccadic function?</p> <p>8 A. In order to be a good reader, if you're -- you</p> <p>9 have to have accurate saccades, if you don't have</p> <p>10 accurate saccades, a lot of times, just for an example,</p> <p>11 when you're taking our test, you might overshoot a</p> <p>12 number and then have to come back because you -- the</p> <p>13 saccadic fixation wasn't accurate, so it takes somebody</p> <p>14 with poor saccadic functions longer to read our pages</p> <p>15 than someone who has accurate saccadic functions.</p> <p>16 Q. So somebody who has inaccurate saccadic function</p> <p>17 would take longer to read a page than somebody who did</p> <p>18 have accurate saccadic function?</p> <p>19 A. Yes.</p> <p>20 Q. Dr. King, I'm gonna hand you what's marked as</p> <p>21 exhibit three and this has the bates number KDT zero,</p> <p>22 two, nine, eight, three, zero, four and the -- this is</p> <p style="text-align: right;">Page 21</p>

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<p>1 A. Similar.</p> <p>2 Q. How is it similar?</p> <p>3 A. They have the arrows and lines.</p> <p>4 Q. And what are the arrows and lines for?</p> <p>5 A. Again, to show whoever is taking the test how to</p> <p>6 follow.</p> <p>7 Q. And then flipping to the next page, ending in</p> <p>8 bates number eight, three, three, one, what are the</p> <p>9 lines on this page for?</p> <p>10 MR. KLUFT: Objection. Lack of foundation,</p> <p>11 you can answer.</p> <p>12 A. The same way just to follow -- to go from one</p> <p>13 number to the next.</p> <p>14 Q. Then flipping to the next page ending with</p> <p>15 eight, three, three, two. Are there any lines on this</p> <p>16 page?</p> <p>17 A. No.</p> <p>18 Q. Do you know why not?</p> <p>19 A. No.</p> <p>20 Q. On this page would the reader read the numbers</p> <p>21 from left to right?</p> <p>22 MR. KLUFT: Objection. You can answer.</p> <p style="text-align: right;">Page 34</p>	<p>1 Q. What else is similar?</p> <p>2 A. The lines and then no lines.</p> <p>3 Q. When you say the lines, do you mean the lines on</p> <p>4 the demonstration card?</p> <p>5 A. Yes.</p> <p>6 Q. And on the test one card?</p> <p>7 A. Yes.</p> <p>8 Q. And when you say no lines, do you mean on test</p> <p>9 two and test three cards?</p> <p>10 A. Yes.</p> <p>11 Q. Is there anything else that's similar between</p> <p>12 the two tests?</p> <p>13 A. No.</p> <p>14 Q. What's different between the King-Devick Test</p> <p>15 and the Pierce Saccade Test?</p> <p>16 MR. KLUFT: Objection. You can answer.</p> <p>17 A. Because of the fact that we used more numbers,</p> <p>18 more randomly spaced numbers, it actually tested</p> <p>19 saccadic function. Whereas this did not because it just,</p> <p>20 it was just smooth pursuits and habituation. There were</p> <p>21 a lot of things wrong with this that didn't test</p> <p>22 saccadic function.</p> <p style="text-align: right;">Page 36</p>
<p>1 A. Yes.</p> <p>2 Q. Flipping to the next page ending in two, nine,</p> <p>3 eight, three, three, three. Would the reader read the</p> <p>4 numbers from left to right on this page as well?</p> <p>5 A. Yes.</p> <p>6 Q. Is the King-Devick Test a modification of the</p> <p>7 Pierce Saccade Test?</p> <p>8 A. No.</p> <p>9 Q. Why do you say that?</p> <p>10 A. Because the Pierce Saccade Test did not test</p> <p>11 saccades.</p> <p>12 MR. KLUFT: I'm sorry, I'm just gonna</p> <p>13 object to the form of the question as vague, but you</p> <p>14 already answered.</p> <p>15 Q. Does the King-Devick Test follow the same basic</p> <p>16 format as the Pierce Saccade Test?</p> <p>17 MR. KLUFT: Object to the form. You can</p> <p>18 answer.</p> <p>19 A. Basic format, possibly.</p> <p>20 Q. How does it follow the same basic format?</p> <p>21 A. Well, we have a demonstration card and we have</p> <p>22 three tests to test the candidate.</p> <p style="text-align: right;">Page 35</p>	<p>1 Q. Did you refer to the Pierce Saccade Test when</p> <p>2 you were developing the King-Devick Test?</p> <p>3 MR. KLUFT: Objection. Vague.</p> <p>4 A. I think they gave it to us. I don't remember.</p> <p>5 Q. Did you study the Pierce Saccade Test in your</p> <p>6 classes before you began developing the King-Devick</p> <p>7 Test?</p> <p>8 A. Yes.</p> <p>9 Q. So flipping back to the page demonstration card</p> <p>10 with the bates number ending in eight, three, three,</p> <p>11 zero?</p> <p>12 A. Yes.</p> <p>13 Q. Do you see on the bottom left of the page where</p> <p>14 it says Pierce Saccade Test Copyright 1972?</p> <p>15 A. I see that.</p> <p>16 Q. And you see at the bottom right of that page</p> <p>17 where it says Cook Inc, PO Box four, nine eight in</p> <p>18 Indiana, four seven, four, zero, one?</p> <p>19 A. Yes.</p> <p>20 Q. Do you see -- do you see similar references to</p> <p>21 the Pierce Saccade Test copyright and the Cook Inc</p> <p>22 address on the next three page ending in eight, three,</p> <p style="text-align: right;">Page 37</p>

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<p>1 three, one, eight, three, three, two, and eight, three,</p> <p>2 three, three?</p> <p>3 A. Yes.</p> <p>4 Q. Did you ever discuss with anyone whether you</p> <p>5 would need to get permission to use the Pierce Saccade</p> <p>6 Test in your research?</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 A. I have no idea. Because it wasn't the same test.</p> <p>10 Q. Did you ever try to contact Cook Inc. At this</p> <p>11 address on the Pierce Saccade Test?</p> <p>12 A. Nope.</p> <p>13 Q. Did Mr. Devick try to contact Cook Inc., at that</p> <p>14 address?</p> <p>15 A. I have no idea.</p> <p>16 Q. Did you ever consider getting a license to use</p> <p>17 the Pierce Saccade Test in your paper?</p> <p>18 MR. KLUFT: Objection. Lack of foundation.</p> <p>19 A. Don't recall.</p> <p>20 Q. How did you get this copy of the Pierce Saccade</p> <p>21 Test?</p> <p>22 A. I don't remember. I don't remember.</p> <p style="text-align: right;">Page 38</p>	<p>1 Q. Did you know Dr. Pierce personally?</p> <p>2 A. No.</p> <p>3 Q. Did you ever meet Dr. Pierce?</p> <p>4 A. Yes.</p> <p>5 Q. When did you meet him?</p> <p>6 A. I met him right after I graduated, I believe.</p> <p>7 One time.</p> <p>8 Q. Where did you meet him?</p> <p>9 A. At a meeting in Minneapolis.</p> <p>10 Q. Do you recall what meeting that was?</p> <p>11 A. North Central Conference.</p> <p>12 Q. What's the North Central Conference?</p> <p>13 A. It was just a conference -- a regional</p> <p>14 conference with several states education.</p> <p>15 Q. And how did you meet him at that conference?</p> <p>16 A. Just by chance meeting.</p> <p>17 Q. What did -- what did the two of discuss?</p> <p>18 A. Nothing. He asked me if I was the King from the</p> <p>19 King-Devick. I said yes.</p> <p>20 Q. Did you talk about the King-Devick Test with Mr.</p> <p>21 Pierce?</p> <p>22 A. The only thing he said to me was, I wish I had</p> <p style="text-align: right;">Page 40</p>
<p>1 Q. Did you have this copy of -- or a copy of the</p> <p>2 Pierce Saccade Test when you were developing the</p> <p>3 King-Devick Test?</p> <p>4 A. Yes.</p> <p>5 Q. Did you refer to that copy of the Pierce Saccade</p> <p>6 Test while you were developing the King-Devick Test?</p> <p>7 MR. KLUFT: Objection. Asked and answered.</p> <p>8 You can answer.</p> <p>9 A. Not really. We developed our own.</p> <p>10 Q. You had mentioned earlier that there were</p> <p>11 different drafts or versions of the King-Devick Test</p> <p>12 while you were working on the senior research. Is that</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. Were there any drafts that had fewer than five</p> <p>16 numbers on a row?</p> <p>17 A. I do not remember.</p> <p>18 Q. Do you know who created the Pierce Saccade Test?</p> <p>19 A. Dr. Jack Pierce.</p> <p>20 Q. Who's Dr. Jack Pierce?</p> <p>21 A. He's a professor of optometry that taught at</p> <p>22 some of the schools. I'm not even sure where he was.</p> <p style="text-align: right;">Page 39</p>	<p>1 thought of that. And that was the end of the</p> <p>2 conversation.</p> <p>3 Q. Did you respond when he said he wished he had</p> <p>4 thought of that?</p> <p>5 A. No.</p> <p>6 Q. Did you know Mr. Pierce before you developed the</p> <p>7 King-Devick Test?</p> <p>8 A. No.</p> <p>9 Q. Do you know Mr. Pierce came to know about the</p> <p>10 King-Devick Test?</p> <p>11 A. I do not.</p> <p>12 Q. Did you ask him?</p> <p>13 A. No.</p> <p>14 Q. So if you can please turn to page in the same</p> <p>15 exhibit ending in bates number two, nine, eight, three</p> <p>16 zero, six? So the very beginning?</p> <p>17 A. Yes.</p> <p>18 Q. See in the second full paragraph where it says</p> <p>19 with this in mind, we designed a test which was a</p> <p>20 modification of the Pierce and Vincett test, which we</p> <p>21 administered to 137 school aged children in the Chicago</p> <p>22 area. Do you see where it says that?</p> <p style="text-align: right;">Page 41</p>

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<p>1 A. I have no idea.</p> <p>2 Q. When you submitted your senior paper, did you</p> <p>3 expect that your senior advisor would give it back to</p> <p>4 you?</p> <p>5 A. Yes.</p> <p>6 Q. And he did give it back to you?</p> <p>7 A. Yes.</p> <p>8 Q. Did you expect that the college's library would</p> <p>9 receive a copy?</p> <p>10 A. No.</p> <p>11 Q. Do you know whether the library did receive a</p> <p>12 copy?</p> <p>13 A. I believe they did. I'm not sure.</p> <p>14 Q. Do you know who provided that copy to the</p> <p>15 library?</p> <p>16 MR. KLUFT: Objection.</p> <p>17 A. No. I don't.</p> <p>18 Q. Do you know whether the library made any copies</p> <p>19 of the senior paper that it had?</p> <p>20 A. I do not know.</p> <p>21 Q. Do you know who had access to the copies to the</p> <p>22 senior paper at the Illinois College of Optometry</p> <p style="text-align: right;">Page 58</p>	<p>1 paper, did you look at any other -- any prior senior</p> <p>2 papers from other students?</p> <p>3 A. No.</p> <p>4 Q. After you submitted your senior paper, did you</p> <p>5 have to present your research in class?</p> <p>6 A. I don't recall.</p> <p>7 Q. Do you recall whether there was any other work</p> <p>8 product other than the paper itself that came out of</p> <p>9 your research?</p> <p>10 A. I don't understand your question.</p> <p>11 Q. Were there any other physical materials, any</p> <p>12 other presentations that you created based on your</p> <p>13 senior research?</p> <p>14 A. No.</p> <p>15 Q. Did you give any presentations about the</p> <p>16 King-Devick test to anyone, whether they were at the</p> <p>17 college or not?</p> <p>18 MR. KLUFT: Objection. Vague as to time</p> <p>19 period.</p> <p>20 A. Exactly. I don't know when.</p> <p>21 Q. Did you give any presentations about the</p> <p>22 King-Devick Test to anyone in the 1970s?</p> <p style="text-align: right;">Page 60</p>
<p>1 library?</p> <p>2 MR. KLUFT: Objection. There's almost no</p> <p>3 foundation for any of these questions. So my continuing</p> <p>4 objection, but you can answer if you know.</p> <p>5 A. No.</p> <p>6 Q. Do you know how other researchers who were</p> <p>7 interested in vision tests would be able to get a copy</p> <p>8 of the senior paper?</p> <p>9 MR. KLUFT: Objection.</p> <p>10 A. I do not know how.</p> <p>11 Q. Do you know whether any researchers learned</p> <p>12 about the King-Devick Test in the 1970s?</p> <p>13 MR. KLUFT: Objection. Vague. You can</p> <p>14 answer.</p> <p>15 A. Nope.</p> <p>16 Q. Are you aware of any research articles published</p> <p>17 in the 1970s that referenced the King-Devick Test?</p> <p>18 A. I do not.</p> <p>19 Q. Do you know whether the Illinois College of</p> <p>20 Optometry's library kept copies of senior papers?</p> <p>21 A. I don't know for sure.</p> <p>22 Q. When you were doing research for this senior</p> <p style="text-align: right;">Page 59</p>	<p>1 A. No. Not that I remember.</p> <p>2 Q. When did you start your optometry practice?</p> <p>3 A. 1976.</p> <p>4 Q. Did you use the test as part of your optometry</p> <p>5 practice?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall when you started using the</p> <p>8 King-Devick Test?</p> <p>9 A. Right away.</p> <p>10 Q. Do you recall around what month that would have</p> <p>11 been?</p> <p>12 A. June.</p> <p>13 Q. June of 1976? How did you use the King-Devick</p> <p>14 Test in your optometry practice?</p> <p>15 A. I made copies of the cards and I used them to</p> <p>16 test students who I thought might be poor readers --</p> <p>17 patients that I thought might be poor readers.</p> <p>18 Q. Do you recall how many copies you made of the</p> <p>19 test when you first started your optometry practice?</p> <p>20 MR. KLUFT: Objection. Vague as to time</p> <p>21 period, but go ahead.</p> <p>22 A. One.</p> <p style="text-align: right;">Page 61</p>

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King-Devick Test, Inc., v. NYU Langone Hospitals, et al.

Alan King

<p>1 Q. When you tested your patients with the</p> <p>2 King-Devick Test, did you test any other vision tests?</p> <p>3 A. No.</p> <p>4 Q. Did you give out any copies of the King-Devick</p> <p>5 test to any of your patients?</p> <p>6 MR. KLUFT: Objection. Vague as to time</p> <p>7 period.</p> <p>8 A. Not really.</p> <p>9 Q. Why do you say not really?</p> <p>10 A. I used a couple maybe over -- before Bernell, I</p> <p>11 think I might've made a copy to give to a student, maybe</p> <p>12 two or three times.</p> <p>13 Q. Do you recall whether that was before 1980?</p> <p>14 A. It would have definitely been before 1980.</p> <p>15 Q. And who was the student that you made copies</p> <p>16 for.</p> <p>17 A. I have no idea.</p> <p>18 Q. Was this a student at the Illinois College of</p> <p>19 Optometry?</p> <p>20 A. No. These were patients when I was in practice.</p> <p>21 Q. So you -- you made a copy of the King-Devick</p> <p>22 Test for a patient at your practice?</p> <p style="text-align: right;">Page 62</p>	<p>1 Q. Before 1980, did you work with any other</p> <p>2 optometrists in your optometry practice?</p> <p>3 A. No.</p> <p>4 Q. You were a solo practitioner?</p> <p>5 A. Correct.</p> <p>6 Q. Did you ever work with Mr. Devick in an</p> <p>7 optometry practice?</p> <p>8 A. No.</p> <p>9 Q. Before 1980 was your optometry practice based in</p> <p>10 Dickinson, North Dakota?</p> <p>11 A. No, I was in Langdon, North Dakota.</p> <p>12 Q. And where is Langdon, North Dakota?</p> <p>13 A. Northeast corner of the state.</p> <p>14 Q. When you gave that copy of the King-Devick Test</p> <p>15 to one of your patients, did you ask for it back?</p> <p>16 A. I believe I did.</p> <p>17 Q. Do you recall whether this patient gave you the</p> <p>18 test back?</p> <p>19 A. I believe they did.</p> <p>20 Q. Do you recall around when you asked for the test</p> <p>21 back?</p> <p>22 A. No.</p> <p style="text-align: right;">Page 64</p>
<p>1 A. Yes.</p> <p>2 Q. Do you recall -- do you recall why?</p> <p>3 A. I used that as remediation for a couple of my</p> <p>4 patients.</p> <p>5 Q. What do you mean by remediation?</p> <p>6 A. I had them use the test over and over again and</p> <p>7 I felt that by using the test over and over again, it</p> <p>8 would improve their saccadic functions.</p> <p>9 Q. Did it improve their function?</p> <p>10 A. Yep.</p> <p>11 MR. KLUFT: I'm sorry. I just -- I just</p> <p>12 would impose an objection. I just want to caution that</p> <p>13 we don't want to get too far into medical histories of</p> <p>14 individual -- individual patients. And if we do, I want</p> <p>15 to take a break and think about the question. So if</p> <p>16 you're going to stop it there, that's fine. But if we're</p> <p>17 going to get deep into somebody's medical history, I</p> <p>18 want to think about it and maybe have a discussion off</p> <p>19 the record.</p> <p>20 Q. Sure. Did you give any copies of the King-Devick</p> <p>21 Test to any parents of your patients?</p> <p>22 A. No.</p> <p style="text-align: right;">Page 63</p>	<p>1 Q. Do you know whether the patient made any copies</p> <p>2 of the King-Devick Test?</p> <p>3 A. No.</p> <p>4 Q. You don't recall?</p> <p>5 A. I don't know.</p> <p>6 Q. Do you -- do you know whether he showed anyone</p> <p>7 his copy or her copy of the King-Devick Test?</p> <p>8 A. I have no idea.</p> <p>9 Q. Are you aware of any colleges or universities</p> <p>10 that taught the King-Devick Test prior to 1980?</p> <p>11 MR. KLUFT: Objection. Vague. You can</p> <p>12 answer.</p> <p>13 A. I have no idea.</p> <p>14 Q. Just going back to the patient who received a</p> <p>15 copy of the King-Devick Test before 1980, do you recall</p> <p>16 this person's name?</p> <p>17 MR. KLUFT: Objection. You can answer. I'm</p> <p>18 sorry. I withdraw the objection. I just -- instead, I</p> <p>19 just want to caution, again, I don't want to get into</p> <p>20 medical history. If we are going to get into it, I'd</p> <p>21 like to maybe designate a portion of the transcript as</p> <p>22 highly confidential and --</p> <p style="text-align: right;">Page 65</p>

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